

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

LAWRENCE RIDER,  
Petitioner,  
v.  
JASON FRIERSON, *e*  
Respondents.

Case No. 2:19-cv-01831-RFB-NJK

## ORDER

## JASON FRIERSON, *et al.*, Respondents.

## Respondents.

This action is a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 1 by Lawrence Rider. Rider filed his petition on October 18, 2019. ECF No. 1.

On January 6, 2020, Rider filed a Motion for Leave to Conduct Discovery seeking to conduct discovery relative to the merits of his claims. ECF No. 7. Respondents filed an opposition to that motion on January 21, 2020, arguing that the request is premature. ECF No. 8. Rider replied on January 27, 2020. ECF No. 9. The Court agrees with Respondents that Rider's motion is premature, as it has not yet been determined whether Rider's claims are procedurally viable. The Court will therefore deny the motion without prejudice. If Rider believes he requires discovery in order to oppose Respondents' Motion to Dismiss, he may file a motion accordingly with his response to that motion. If Rider believes he needs to conduct discovery with respect to the merits of his claims, he may renew the current motion with his reply to Respondents' answer, if and when such is filed.

Respondents filed a Motion to Dismiss on April 3, 2020. ECF No. 12. They also filed a Motion for Extension of Time to file exhibits in support of the Motion to Dismiss. ECF No. 13. Respondents state that delays caused by the COVID-19 pandemic make the extension of time

1 necessary. The Court finds the motion is made in good faith and not solely for the purpose of  
2 delay, and that there is good cause for the request. The Court will also extend the time for Rider  
3 to respond to Respondents' Motion to Dismiss. Rider's response to the Motion to Dismiss will be  
4 due thirty (30) days after Respondents file their exhibits.

5           **IT IS THEREFORE ORDERED** that Petitioner's Motion for Discovery (ECF No. 7) is  
6 **DENIED WITHOUT PREJUDICE**, as explained *supra*.

7           **IT IS FURTHER ORDERED** that Respondents' Motion for Enlargement of Time (ECF  
8 No. 13) is **GRANTED**. Respondents will have up to and including **June 5, 2020**, to file exhibits  
9 in support of the Motion to Dismiss.

10          **IT IS FURTHER ORDERED** that Petitioner will have thirty (30) days after  
11 Respondents file their exhibits in support of the Motion to Dismiss to file a response to the  
12 Motion.

13          **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further  
14 proceedings set forth in the order entered October 24, 2019 (ECF No. 2) will remain in effect.  
15 (Respondents will have thirty (30) days to file a reply to Petitioner's response to their Motion to  
16 Dismiss.)

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18          DATED THIS 6<sup>th</sup> day of April, 2020.



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20          RICHARD F. BOULWARE, II,  
21 UNITED STATES DISTRICT JUDGE

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